

Introduced by Committee on Education (Senators Lowenthal (Chair), Alquist, Blakeslee, Hancock, Huff, Liu, Price, Runner, Simitian, and Vargas)

March 24, 2011

An act to amend Sections 66747 and 69511 of the Education Code, and to amend Section 4709 of the Labor Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

SB 940, as introduced, Committee on Education. Public postsecondary education: students.

Existing law, the Student Transfer Achievement Reform Act, establishes that the California State University is required to guarantee admission with junior status to any community college student who meets the requirements for the associate degree for transfer. A student admitted to the California State University pursuant to the act is entitled to receive priority over all other community college transfer students, excluding community college students who have entered into a transfer agreement between a community college and the California State University prior to the fall term of the 2012–13 academic year.

Existing law states the intent of the Legislature that specified categories be followed, insofar as practicable, in numeric order for the purposes of enrollment planning and admission priority practice at the undergraduate resident student level for the California State University and the University of California.

This bill would require that students admitted to the California State University and the University of California pursuant to the act receive priority for purposes of enrollment, if the students have met the

requirements of an approved transfer agreement consistent with this priority.

The Ortiz-Pacheco-Poohigian-Vasconcellos Cal Grant Act establishes the Cal Grant entitlement awards and the California Community College Transfer Entitlement Awards, under the administration of the Student Aid Commission, and establishes eligibility requirements for awards under these programs for participating students attending qualifying institutions.

Existing law provides that if a federal law permits the administration of a scholarship or grant program by a state agency, the Student Aid Commission is to administer the program if it is determined that the participation by the state in the federal scholarship or grant program would not interfere with or jeopardize the continuation of a Cal Grant scholarship program established pursuant to specified provisions of state law.

This bill would change obsolete references in law to refer to the current Cal Grant program.

Existing law provides that a dependent of a peace officer who is killed in the performance of duty or who dies or is totally disabled as a result of an accident or an injury that is compensable, as defined, is entitled to a Cal Grant scholarship at a specified institution. Existing law provides that a dependent of a peace officer who is a recipient of a scholarship shall not be precluded from receiving a Cal Grant award, as specified.

This bill would change obsolete references in law to refer to the current Cal Grant program.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 66747 of the Education Code is amended
- 2 to read:
- 3 66747. Notwithstanding Chapter 4 (commencing with Section
- 4 66201), the California State University shall guarantee admission
- 5 with junior status to any community college student who meets
- 6 all of the requirements of Section 66746. Admission to the
- 7 California State University, as provided under this article, does
- 8 not guarantee admission for specific majors or campuses.
- 9 Notwithstanding Chapter 4 (commencing with Section 66201),

the California State University shall grant a student priority admission to his or her local California State University campus and to a program or major that is similar to his or her community college major or area of emphasis, as determined by the California State University campus to which the student is admitted. A student admitted under this article shall receive priority *in enrollment in accordance with subdivision (a) of Section 66202*, over all other community college transfer students, excluding community college students who have entered into a transfer agreement between a community college and the California State University prior to the fall term of the 2012–13 academic year. *A student admitted pursuant to this article shall have met the requirements of an approved transfer agreement consistent with subdivision (a) of Section 66202.*

SEC. 2. Section 69511 of the Education Code is amended to read:

69511. (a) Except as provided in subdivision (b), each member of the commission shall have a four-year term; provided, that members appointed pursuant to subdivision (d) of Section 69510 shall have terms of two academic years.

(b) The term of one member appointed pursuant to subdivision (g) of Section 69510 and the term of one member appointed pursuant to subdivision (h) of Section 69510, effective January 1, 1991, shall be for five years. Each subsequent term for members appointed pursuant to this subdivision shall be for four years.

(c) At no time shall both student representatives be enrolled in the same segment of postsecondary education in California. For purposes of this subdivision, each postsecondary education program listed in subdivisions (a), (b), and (c) of Section 69510 is a segment of postsecondary education in California.

(d) Appointment to the commission of members appointed pursuant to subdivisions (a) to (f), inclusive, of Section 69510 shall be made by the Governor subject to confirmation by the Senate.

(e) Any vacancy shall be filled by the appointment of a person who will have the same status as the predecessor of the appointee. The appointee shall hold office only for the balance of the unexpired term.

(f) Each member of the commission shall receive a stipend of one hundred dollars (\$100) for each day in which he or she attends any meeting of the commission or any meeting of any committee

1 or subcommittee of the commission, of which committee or
2 subcommittee he or she is a member, and which committee or
3 subcommittee meeting is conducted for the purpose of carrying
4 out the powers and duties of the commission. In addition, each
5 member shall receive his or her actual and necessary traveling
6 expenses incurred in the course of his or her duties.

7 ~~(g) Whenever by the provisions of any~~ *If an* act of Congress
8 ~~establishes~~ a program of scholarships or grants for undergraduate
9 ~~students is established which~~ *and* permits administration of the
10 program within a state by a state agency, the Student Aid
11 Commission, as established by Section 69510, shall administer
12 the act within the state if the Governor and the Student Aid
13 Commission, by a majority vote of its entire membership,
14 determine that the participation by the state in the federal
15 scholarship or grant program under the act would not interfere
16 with or jeopardize the continuation of the scholarship program
17 established under ~~Sections 69530 to 69547, inclusive~~ *Chapter 1.7*
18 *(commencing with Section 69430) of Part 42 of Division 5 of Title*
19 *3 of the Education Code.*

20 The commission shall constitute the state commission on federal
21 scholarships or grants and is hereby empowered to formulate a
22 plan for development and administration of any such federal
23 scholarship or grant program within the state.

24 Subject to the provisions of this chapter, the commission is
25 hereby vested with all necessary power and authority to cooperate
26 with the government of the United States, or any agency or
27 agencies thereof, in the administration of any act of Congress
28 establishing a scholarship or grant program and the rules and
29 regulations adopted thereunder.

30 Before adopting a state plan, the Student Aid Commission, acting
31 as the state commission on federal scholarships or grants, shall
32 hold public hearings as provided in the California Administrative
33 Procedure Act.

34 SEC. 3. Section 4709 of the Labor Code is amended to read:

35 4709. (a) Notwithstanding any other provisions of law, a
36 dependent of a peace officer, as defined in Section 830.1, 830.2,
37 830.3, 830.31, 830.32, 830.33, 830.34, 830.35, 830.36, 830.37,
38 830.38, 830.39, 830.4, 830.5, or 830.6 of the Penal Code, who is
39 killed in the performance of duty or who dies or is totally disabled
40 as a result of an accident or an injury caused by external violence

1 or physical force, incurred in the performance of duty, when the
2 death, accident, or injury is compensable under this division or
3 Division 4.5 (commencing with Section 6100) shall be entitled to
4 a scholarship at any *qualifying* institution described in subdivision
5 (l) of Section ~~69535~~ 69432.7 of the Education Code. The
6 scholarship shall be in an amount equal to the amount provided a
7 student who has been awarded a Cal Grant scholarship as specified
8 in ~~Article 3 (commencing with Section 69530) of Chapter 2~~
9 *Chapter 1.7 (commencing with Section 69430) of Part 42 of*
10 *Division 5 of Title 3* of the Education Code.

11 (b) A dependent of an officer or employee of the Department
12 of Corrections or the Department of the Youth Authority described
13 in Section ~~20017.77~~ 20403 of the Government Code who is killed
14 in the performance of duty, or who dies or is totally disabled as a
15 result of an accident or an injury incurred in the performance of
16 duty, when the death, accident, or injury is caused by the direct
17 action of an inmate, and is compensable under this division or
18 Division 4.5 (commencing with Section 6100), shall also be entitled
19 to a scholarship specified in this section.

20 (c) Notwithstanding any other provisions of law, a dependent
21 of a firefighter employed by a county, city, city and county, district,
22 or other political subdivision of the state, who is killed in the
23 performance of duty or who dies or is totally disabled as a result
24 of an accident or injury incurred in the performance of duty, when
25 the death, accident, or injury is compensable under this division
26 or Division 4.5 (commencing with Section 6100), shall also be
27 entitled to a scholarship specified in this section.

28 (d) Nothing in this section shall be interpreted to allow the
29 admittance of the dependent into a college or university unless the
30 dependent is otherwise qualified to gain admittance to the college
31 or university.

32 (e) The scholarship provided for by this section shall be paid
33 out of funds annually appropriated in the Budget Act to the Student
34 Aid Commission established by Article 2 (commencing with
35 Section 69510) of Chapter 2 of Part 42 *of Division 5 of Title 3* of
36 the Education Code.

37 (f) The receipt of a scholarship provided for by this section shall
38 not preclude a dependent from receiving a Cal Grant award
39 pursuant to ~~Article 3 (commencing with Section 69530) of Chapter~~
40 *2 Chapter 1.7 (commencing with Section 69430) of Part 42 of*

1 *Division 5 of Title 3* of the Education Code, any other grant, or
2 any fee waivers that may be provided by an institution of higher
3 education. The receipt of a Cal Grant award pursuant to ~~Article 3~~
4 ~~(commencing with Section 69530) of Chapter 2~~ *Chapter 1.7*
5 *(commencing with Section 69430)* of Part 42 of *Division 5 of Title*
6 *3* of the Education Code, any other grant, or any fee waivers that
7 may be provided by an institution of higher education shall not
8 preclude a dependent from receiving a scholarship provided for
9 by this section.

10 ~~(g) The amendments made to this section during the 1995~~
11 ~~portion of the 1995–96 Regular Session shall apply to a student~~
12 ~~receiving a scholarship on the effective date of the amendments~~
13 ~~unless that application would result in the student receiving a~~
14 ~~scholarship on less favorable terms or in a lesser amount, in which~~
15 ~~case the student shall continue to receive the scholarship on the~~
16 ~~same terms and conditions in effect prior to the effective date of~~
17 ~~the amendments.~~

18 ~~(h)~~

19 (g) As used in this section, “dependent” means the children
20 (natural or adopted) or spouse, at the time of the death or injury,
21 of the peace officer, law enforcement officer, or firefighter.

22 ~~(i)~~

23 (h) Eligibility for a scholarship under this section shall be limited
24 to a person who demonstrates financial need as determined by the
25 Student Aid Commission pursuant to Article 1.5 (commencing
26 with Section 69503) of Chapter 2 of Part 42 of *Division 5 of Title*
27 *3* of the Education Code. For purposes of determining financial
28 need, the proceeds of death benefits received by the dependent,
29 including, but not limited to, a continuation of income received
30 from the Public Employees’ Retirement System, the proceeds from
31 the federal Public Safety Officers’ Benefits Act, life insurance
32 policies, proceeds from Sections 4702 and 4703.5, any private
33 scholarship where receipt is predicated upon the recipient being
34 the survivor of a deceased public safety officer, the scholarship
35 awarded pursuant to Section 68120 of the Education Code, and
36 any interest received from these benefits, shall not be considered.